

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WALTER W. WIDZINS, JR.,

Plaintiff,

-vs-

Case No: 1:07-cv-08034-JES

WALKER DIVING UNDERWATER,

Defendant.

_____/

ROBERTA E. ASHKIN (#115461515)

Local Counsel

580 Broadway, Ste. 906

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_____/

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, Roberta E. Ashkin, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Jurisdiction is founded under the Jones Act (46 USC 30104) for negligence, and under the General Maritime Law for maintenance, cure, and wages.
3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On and before March 26, 2007, Plaintiff had spent a substantial portion of his time serving as a crewmember among Defendant's fleet of vessels giving him seaman status.

5. On or about March 26, 2007, Plaintiff was in the course of employment when because of Defendant's failure to provide safety rules for any confined spaces, and its failure to exercise reasonable care in composition of the confined space, Plaintiff was injured.

6. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, **inter alia**, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Found;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

/s/ Roberta E. Ashkin

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Dated: September 7, 2007

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff by and through counsel undersigned, Roberta E. Ashkin, and hereby
demands trial by jury in the above-referenced cause of action.

/s/ Roberta E. Ashkin

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Dated: September 7, 2007